REMARKS/ARGUMENTS

Claims 1-9 and 11 are pending.

Applicants note with appreciation the indicated allowability of claims 3, 5 and 6.

The Examiner suggested that the clarity of claim 2 may be improved by amending or deleting the phrase "*in particular*" in the second to last line. Applicants have amended claim 1 to include most of the subject matter of claim 2. Additionally, applicants have amended claim 2 to remove the phrase "*in particular*." Applicants thank the Examiner for his suggestion.

Claims 1, 4 and 10 stand rejected under 35 USC §102(b) as being anticipated by WO 98-45890. U.S. Patent No. 6, 376,110 is the English equivalent of WO '890. The inventor is Koschany.

Claims 2 and 7 stand rejected under 35 USC §103(a) as being unpatentable over Koschany in view of Hart-Predmore et al. (U.S. Patent No. 6,436,561).

Claim 8 stands rejected under 35 USC §103(a) as being unpatentable over Koschany in view of Hart-Predmore et al. as applied to claims 2 and 7, and further in view of Wunning (U.S. Patent No. 5,154,599).

Claim 9 stands rejected under 35 USC §103(a) as being unpatentable over Koschany in view of Hart-Predmore et al. as applied to claims 2 and 7, and further in view of Fujita et al. (U.S. Patent No. 6,386,862).

These rejections are respectfully traversed and reconsideration is respectfully requested.

It is respectfully submitted that Koschany and Hart-Predmore et al. disclose methods in relation to fuel cell devices in which a fuel cell or a stack of fuel cells (in a "battery") is arranged. These fuel cells are not of the SOFC type as described in the present application on page 1, second paragraph and as recited in claim 1. Specifically, the electrolyte membranes are made of a plastic material (polymer electrolyte) in their devices. Furthermore, a combustor 34 as disclosed in Hard-Predmore et al is a separate device that is not part of the fuel cell battery. Accordingly, a method for controlling a state of the combustor can therefore not be related to the

integrity state of the fuel cell battery since they are different. Such a method cannot be used to produce information about this integrity state.

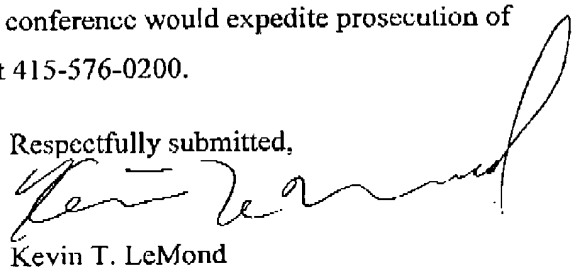
With the present invention, and as clearly recited in claim 1, the integrity state of the solid oxide fuel cell battery is analyzed. Thus, the teaching of Hart-Predmore et al. is not relevant to the present invention and a combination of Koschany and Hart-Predmore et al. does not lead to the teaching of the present application. Accordingly, it is respectfully submitted that claim 1 as amended is allowable. Claims 2-9 and 11 depend directly or indirectly, on claim 1 and therefore, they are allowable for at least the reasons claim 1 is allowable.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



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Attachments
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